IN THE HIGH COURT OF JUDICATURE AT BOMBAY

(IN ITS JURISDICTION UNDER SECTION 10F

OF THE COMPANIES ACT, 1956)

COMPANY APPLICATION (L) NO.1023 OF 2004

IN

APPEAL LODGING NO.14 OF 2004

IN

COMPANY APPLICATIONS NO.125/2004, 141/2004 AND 214/2004

IN

COMPANYPETITION NO.7 OF 2002

AND

COMPANY PETITION NO.43 OF 2002.

Anil Kumar Agarwal & ors. .. Applicant

vs.

Sunil Kumar Agarwal & Ors. .. Respondents.

Shri M.S.Doctor with Ameet Hariani & Mrs. Puja Bakshi i/b. Hariani & Co. for Appellant in support.

Shri T.N.Subramaniam with P. Jaiswal i/b. Ramesh Saraogi for Respondent Nos.1 and 2.

Shri S.H.Parekh i.b. Anoup Khaitan for Respondent No.4 to show cause.

CORAM : S.U.KAMDAR, J.
DATED : 13th January, 2004.

P.C. :

1. Present application is filed for condonation of delay of 56 days. Under the proviso to section 10(F) of the Companies Act, 1956 it is inter alia contemplated that the court is on sufficient cause being shown entitled to condone the delay not exceeding 60 days. In the present case the order is dated 2.7.2004 as well as 13.9.2004. As against the order dated 2.7.2004, admittedly there is no delay. However, there was a review sought of the order dt.2.7.2004 which is decided by an order dt.13.9.2004 in view thereof there is a delay in filing appeal against the original order dt 2.7.2004. In my opinion, sufficient cause is made out for the condonation of delay.

2. Delay condoned. However, the appellant is directed to pay the cost of the applications quantified at Rs.1500/- to the respondent.

(S.U.Kamdar, J)